



FEDERAL ELECTION COMMISSION

WASHINGTON, D C 20463

JUN 3 0 2005

AT&T Corporation
James W. Cicconi, General Counsel and
Executive Vice President for Law and Government Affairs
112 Twentieth Street, NW
Suite 1000
Washington, DC 20036

RE: MUR 5665

Dear Mr. Cicconi:

On June 21, 2005, the Federal Election Commission found that there is reason to believe AT&T Corporation violated 2 U.S.C. § 441b(a), a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based upon information ascertained in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. *See* 18 U.S.C. § 1519.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be

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demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have attached a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Lela Scott, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Scott E. Thomas
Chairman

Enclosures
Factual and Legal Analysis

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**FEDERAL ELECTION COMMISSION
FACTUAL AND LEGAL ANALYSIS**

RESPONDENT: AT&T Corporation **MUR:** 5665

I. INTRODUCTION

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities indicating that AT&T Corporation (AT&T), a for-profit corporation, may have contributed \$20,000 to Take Back the House (a.k.a. Democratic Majority), a registered political committee.

II. FACTUAL AND LEGAL ANALYSIS

Take Back the House reported accepting a \$20,000 contribution from AT&T in November 2002. Corporations are prohibited from making contributions from their general treasuries in connection with federal elections. *See* 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(b). Although AT&T has a registered political committee, AT&T Corp. Political Action Committee (AT&T PAC), this political committee does not appear to have been the source of the contribution. AT&T PAC did not report this contribution in its disclosure reports, and Take Back the House reported the contribution as having been made by "AT&T Corp." Accordingly, there is reason to believe that AT&T Corporation violated 2 U.S.C. § 441b(a) by making a contribution to Take Back the House from its general treasury.